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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,904	04/14/2004	Michael C. Lewis	17459US03	7595
23446 7590 09/12/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER TAN, ALVIN H	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 09/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/824,904	LEWIS ET AL.	
	Examiner	Art Unit	
	Alvin H. Tan	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7, 12, 13, 19, 24, 25 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 12, 13, 19, 24, 25 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. Claims 1, 7, 12, 13, 19, 24, 25, and 29 have been examined and rejected. This Office action is responsive to the amendment filed on 6/22/07, which has been entered in the above identified application.

Specification

2. The corrections to the specification have been approved, and the objections to the specification are withdrawn.

Drawings

3. The replacement sheet for Figure 5C submitted on 6/22/07 has been considered and is entered into the application. The objections to the drawings have been withdrawn.

Double Patenting

4. Claims 2-6, 8-11, 14-18, 20-23, 26-28, 30, and 31 have been canceled and thus, the double patenting rejections to the claims are withdrawn.

Claim Rejections - 35 USC § 102

Art Unit: 2173

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 7, 12, 13, 19, 24, 25, and 29 rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (U.S. Patent No. 6,424,345), herein after, Smith.

Claims 1, 7, 12 (Method)

Claims 13, 19, 24 (Computer Readable Medium)

Claims 25, 29 (System)

6-1. Regarding claims 1, 7, 13, 19, 25, and 29, Smith teaches the claim for providing a graphical image on a display of a system, the graphical image being provided from data describing a plurality of primitives, the display including a plurality of pixels, comprising the steps of providing a plurality of variable-sized bins containing the

plurality of primitives and rendering the plurality of primitives by rendering each of the plurality of variable sized bins variable sized bin by variable sized bin, by disclosing *[figure 3; column 4, lines 61-67; column 5, lines 1-22]*.

6-2. Regarding claims 12 and 24, Smith teaches the plurality of primitives includes a plurality of fragments intersect each pixel of a portion of the plurality of pixels and rendering each of the plurality of variable sized bins pixel by pixel in raster order, the plurality of fragments being provided pixel by pixel for the portion of the plurality of pixels, by disclosing *[figure 7; column 6, lines 10-48]*.

Response to Arguments

7. The Examiner acknowledges the Applicant's cancellation of claims 2-6, 8-11, 14-18, 20-23, 26-28, 30, and 31. Regarding independent claims 1, 13, and 25, the Applicant alleges that Smith et al (U.S. Patent No. 6,424,345), as described in the previous Office action, does not explicitly teach using different sized tiles/bins at the same time.

Contrary to Applicant's arguments, nowhere in the claim recites using different sized bins at the same time. The claim only recites providing a plurality of variable-sized bins. Smith teaches that the bins may be either 32x32 pixels or 16x16 pixels *[column 4, lines 64-65]*. Therefore, the bins may vary in size. Consequently, and given the broadest, most reasonable interpretation of their claim language, Smith is still considered to anticipate claims 1, 13, and 25.

Applicant states that dependent claims 7, 12, 19, 24, and 29 recite all the limitations of the independent claims, and thus, are allowable in view of the remarks set forth regarding independent claims 1, 13, and 25. However, as discussed above, Smith is considered to teach claims 1, 13, and 25, and consequently, claims 7, 12, 19, 24, and 29 are rejected.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin H. Tan whose telephone number is 571-272-8595. The examiner can normally be reached on Mon-Fri 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHT
Assistant Examiner
Art Unit 2173
TADESSE HAILU
Patent Examiner

